

RESOLUTION NO. PC17-055
A RESOLUTION OF THE CITY OF SHAKOPEE, MINNESOTA,
APPROVING VARIANCES OF FRONT AND REAR YARD SETBACKS FOR
CERTAIN STRUCTURES LOCATED WITHIN CHURCH 2nd ADDITION

WHEREAS, Summergate Companies, applicant and property owner, have made application for front and rear yard setback Variances for certain properties located at 4126 – 4142, 4150 – 4166, and 4172 - 4180 Blakewood Drive in Church 2nd Addition; and

WHEREAS, the property upon which the request is being made are legally described as:

Lots 1-5, Block 1; Lots 1-5, Block 2; and Lots 1-3, Block 3, Church 2nd Addition, Scott County, Minnesota; and

WHEREAS, all required public notices regarding the public hearing for the application were duly sent and posted and all persons appearing at the hearing have been given an opportunity to be heard thereon; and

WHEREAS, the Board of Adjustment and Appeals of the City of Shakopee did review this application on December 7, 2017 and adopted the following findings:

Variance Findings:

Criterion 1

The strict enforcement of the ordinance provisions would cause practical difficulties because of circumstances unique to the individual property under consideration. Practical difficulties means the following:

1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance:

Finding 1.A. The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance, with the construction of single story townhomes rather than two story townhomes, with setbacks that still propose adequate separation from the adjacent developments and adequate driveways.

1.B. The plight of the landowner is due to circumstances unique to the property;

Finding 1.B. The property is unique in that the individual lots are smaller with reduced setbacks from the standard R-2 Zone requirements; however, this development was part of a

planned proposal that received conditional use permit and reduced setback approvals with their original proposal, and the current proposal is not out of character with the balance of the development.

1.C. The circumstances were not created by the landowner;

Finding 1.C. The circumstances generally lie with the previously approved PRD project, which has made it practically difficult to complete the development of this subdivision without some relief of the setback requirements.

1.D. The variance, if granted, will not alter the essential character of the locality; and

Finding 1.D. The variances would not alter the character of the locality. By all appearances, the proposed structures will function much like compliant structures.

1.E. The problems extend beyond economic considerations. Economic considerations do not constitute a practical difficulty if reasonable use for the property exists under the terms of the ordinance.

Finding 1.E. The request is not economic in nature, the variance requests allow for construction of structures on property with setbacks generally similar to other adjacent structures.

Criterion 2

It has been demonstrated that a variance as requested will be in keeping with the spirit and intent of the Zoning Ordinance.

Finding 2 The proposed variances would in keeping with the spirit and intent of Chapter 151.

Criterion 3

The request is not for a use variance.

Finding 3 The request is not a use variance.

Criterion 4

Conditions to be imposed by the Board of Adjustment and Appeals will insure compliance to protect the adjacent properties.

Finding 4 The conditions listed below will regulate the use of the property by providing for ways of mitigating the impact of reduced setbacks.

Criterion 5

Variances in the flood plain overlay zone also shall meet the following criteria:

Finding 5 (Not applicable since this property is not within the flood plain overlay zone.)

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF SHAKOPEE, MINNESOTA, AS FOLLOWS:

That the variances for front and rear yard setbacks for certain properties located at 4126 – 4142, 4150 – 4166, and 4172 - 4180 Blakewood Drive in Church 2nd Addition are hereby approved, subject to the following conditions:

1. The parcels included in this request shall develop generally consistent with submitted site plans, contingent on compliance with the performance standards of Chapter

151.108 (B) and the design standards of 151.037 (Planned Residential District) of the City Code except for the requested setback variances.

2. Comply with Shakopee Public Utilities (SPU) requirements regarding water and electric service construction. The applicant shall be in contact with SPU personnel regarding the specific requirements and related costs.

Adopted by the Shakopee Board of Adjustment and Appeals on the 7th day of December, 2017.

BOAA Chairperson

ATTEST:

Michael Kerski
Director of Planning & Development

PREPARED BY:
City of Shakopee
129 Holmes Street South
Shakopee, MN 55379